



MEMORANDUM

To: Honorable Kenneth P. Neiman
U.S. Magistrate Judge
From: Irma Garcia-Zingarelli
U.S. Pretrial Services Officer
Re: **HASKELL, Benjamin**
3:09cr30001-01
Date: March 9, 2009

On January 16, 2009, the defendant appeared before Your Honor after being named in a criminal complaint charging Conspiracy Against Civil Rights in violation of Title 18 U.S.C., Section 241. The defendant was ordered detained and a detention hearing was scheduled for January 21, 2009.

On January 21, 2009, the defendant appeared before the Court for a detention hearing. Your Honor ordered the defendant released on the following conditions:

- 1) Execute a \$75,000 bond secured by property at 34 Brookside Circle, Springfield, MA.
- 2) Defendant execute a \$75,000 unsecured bond.
- 3) Third-party custody to parent Michael & Cynthia McDonald.
- 4) Report to Pretrial Services as directed.
- 5) Maintain residence at 34 Brookside Circle Springfield, MA.
- 6) Obtain no passport.
- 7) No travel near Macedonia Church of God in Christ.
- 8) Avoid contact with co-defendant/victims.
- 9) Refrain from drug use.
- 10) Submit to random drug testing.
- 11) Home detention with Electronic Monitoring.
- 12) No contact with any individual unless approved by Pretrial Services.
- 13) Statutory conditions.

The government moved to appeal Your Honor's order setting conditions of release and the defendant's release was stayed pending appeal.

On January 23, 2009 the defendant appeared with counsel before the Honorable Michael A. Ponsor, U.S. District Judge and was ordered released on the same conditions previously set by Your Honor and the following additional conditions:

- 1) Remove all firearms/weapons from home.
- 2) Remove computers from home.

The defendant's release was delayed until January 26, 2009 at which time the defendant provided a urine specimen which was tested on site and was positive for Marijuana. During the Pretrial interview, the defendant had admitted to using Marijuana two weeks before his arrest for the instant offense. Please be advised that a urine specimen obtained from the defendant on February 18, 2009, and sent to Kroll Laboratories, returned positive for Marijuana. Enclosed please find the report submitted by the Director of Toxicology at Kroll Laboratories indicating that the new positive Marijuana result was due to drug use after the defendant's release.

At the advice of his attorney, Mr. Haskell declined to speak to this officer about the positive result. It is therefore recommended that the defendant appear before the Court to address the above matter. Please advise if you concur.

Cc. Paul Smyth, AUSA

Thomas O'Connor, Esq